UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND (Greenbelt Division)

SMITHGROUP, INC.,	
f/k/a SmithGroup JJR, Inc.	
Plaintiff/Counterclaim Defendant)	
v.)	Civil Action No.: 8:20-cv-02499-TDC
SKANSKA USA BUILDING, INC.	
Defendant/Counterclaim Plaintiff.)	

PLAINTIFF'S MOTION TO EXCEED PAGE LIMIT OF BRIEF RELATED TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

COMES NOW Plaintiff SmithGroup, Inc. ("SmithGroup"), by counsel of record, and files this Motion to Exceed Page Limit with respect to Plaintiff's Brief in Support of Motion for Summary Judgment pursuant to Local Rule 105(3), and states as follows:

- 1. SmithGroup plans to file a Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment in response to Defendant Skanska USA Building, Inc. ("Skanska")'s counterclaim on Friday, March 18, 2022 pursuant to the Amended Scheduling Order entered in this matter on January 11, 2022 [ECF 33].
- 2. United States District Court for the District of Maryland Local Rule 105(3) states, with respect to motions and briefs filed in this Court, that "Unless otherwise ordered by the Court, memoranda in support of a motion or in opposition thereto and trial briefs shall not exceed thirty-five (35) pages..., exclusive of (a) affidavits and exhibits, (b) tables of contents and citations, and (c) addend containing statutes, rules, regulates, and similar material."

- 3. This litigation is a complex construction matter, involving the construction of the Washington, D.C. Water New Headquarters Building, which resulted in years of documentary evidence, extensive deposition testimony, and multiple expert witness reports and testimony.
- 4. Skanska has alleged multiple counts in its counterclaim against SmithGroup: breach of the Design Agreement alleging defective HVAC design (count I); breach of the Design Agreement alleging other errors and omissions (Count II); breach of the Design Agreement alleging delays to the Project schedule (Count III); and indemnity (Count IV). All four counts will be the subject of a single Motion and Memorandum in Support of Summary Judgment.
- 5. SmithGroup has made its best effort to comply with this Court's Local Rules and stay within the 35 page limit, however, given the breadth of the material that must be covered resulting from the numerous allegations brought by Skanska's counterclaim, the complexity of the arguments, and the number of pages that must be devoted simply to listing the undisputed material facts, SmithGroup will require more than 35 pages to adequately address all four counts and the distinct issues raised by each.

Accordingly, SmithGroup respectfully requests an enlargement of the page limit for Summary Judgment briefs to 45 pages. SmithGroup agrees that Skanska should have a similar page limit for its own opening and/or opposition briefs.

6. SmithGroup inquired of Skanska regarding its position, receiving this response: "Skanska does not believe that enlargement of the page limit for Summary Judgment briefs is necessary for either party. Given the size, nature and complexity of this dispute, Skanska believes that 35 pages is sufficient. Notwithstanding, Skanska consents to SmithGroup's filing of this motion and to the extent that the Court is inclined to grant an enlargement of the page limitation, Skanska does not intend to formally oppose this motion."

Dated: March 11, 2022

Respectfully submitted,

/s/ Leslie Paul Machado, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of March, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record.

/s/ Leslie Paul Machado, Esq.
Leslie Paul Machado